

REMARKS

Claims 1 through 64 are currently pending. In the Office Action filed January 13, 2005, the Examiner rejected Claims 1-64 under 35 U.S.C. §§102(a) and 103(a). Each objection and rejection is discussed below.

I. Claims 1-15, 25-29, 32-45, And 60-64 Are Rejected Under 35 U.S.C. §102(a)

Claims 1-15, 25-29, 32-45, and 60-64 are rejected under 35 U.S.C. §102(a) as being anticipated by Bielinska et al. Office Action, page 2. The Applicants disagree. The Bielinska reference is a publication of the Applicants' own work published within the year before the filing date of the present application, and therefore, is not prior art. See, e.g., MPEP §2132.01 ("Applicant's disclosure of his or her own work within the year before the application filing date cannot be used against him or her under 35 U.S.C. §102(a)." *In re Katz*, 687 F.2d 450 (CCPA 1982)). The present application claims priority to U.S. Provisional Patent No. 60/208,728, filed June 1, 2000. There were three inventors for the present application: Anna U. Bielinska, Blake J. Roessler, and James R. Baker. The Bielinska reference issued for publication in May 2000. The Bielinska reference lists seven authors: Anna U. Bielinska, Ann Yen, Huai Liang Wu, Kathleen M. Zahos, Rong Sun, Norman D. Weiner, James R. Baker Jr., and Blake J. Roessler. A 37 C.F.R. §1.132 Declaration from Dr. Blake J. Roessler is now provided indicating that 1) Anna U. Bielinska, Blake J. Roessler, and James R. Baker are the only listed authors who contributed to the inventive process relating to the present invention; and that 2) Ann Yen, Huai Liang Wu, Kathleen M. Zahos, Rong Sun, and Norman D. Weiner were not involved with the inventive process relating to the present invention, worked under Dr. Blake J. Roessler's supervision and direction, and were listed as co-authors of the publication in order to acknowledge their collaboration in a research program under Dr. Blake J. Roessler's direction. As such, per the MPEP §2132.01, the Bielinska reference is not prior art, and the Applicants request these rejections be withdrawn.

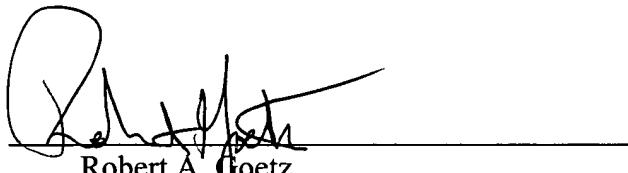
II. Claims 16-24, 30, 31 And 46-59 Are Rejected Under 35 U.S.C. §103(a)

Claims 16-24, 30, 31 and 46-59 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Bielinska reference and WO 99/58656 (hereinafter, "the Shea reference"). As noted above, the Bielinska reference is not prior art. Claims 16-24 are dependent upon non-anticipated and non-obvious Claim 1, and Claims 30, 31 and 46-59 are dependent upon non-anticipated and non-obvious Claim 25. As such, a *prima facie* case of obviousness has not been established. The Applicants request these rejections be withdrawn.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that Applicants' claims should be passed to allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (618) 218-6900.

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